

# SENATE BILL REPORT

## SHB 1140

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As of March 11, 2009

**Title:** An act relating to the manufactured/mobile home dispute resolution program.

**Brief Description:** Addressing the manufactured/mobile home dispute resolution program.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Liias, Morrell, Ericks, Miloscia, Ormsby, Rolfes, Simpson and Nelson).

**Brief History:** Passed House: 3/05/09, 68-29.

**Committee Activity:** Financial Institutions, Housing & Insurance: 3/17/09.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

**Staff:** Diane Smith (786-7410)

**Background:** The Attorney General's Office (AGO) administers the Manufactured/Mobile Home Dispute Resolution Program (Program) to resolve disputes regarding alleged violations of the Manufactured/Mobile Home Landlord-Tenant Act (Act). Under this Program, the AGO may receive and investigate complaints from manufactured/mobile home tenants and landlords. If appropriate, the AGO may then facilitate an agreement between the parties.

If the AGO determines that no agreement can be reached, the AGO may make written determinations about whether a violation has occurred and deliver a citation to any violator.

If the AGO issues a citation, the citation specifies the violation and the corrective action required. If no corrective action has been taken and no administrative hearing has been requested within the allowed 15 business days, the AGO may issue a fine up to \$250 per day per violation until the violation is corrected. Determinations of both violation and nonviolation, citations, fines, other penalties, and orders to cease and desist may be contested in an administrative hearing before an administrative law judge under the Administrative Procedure Act.

If no administrative hearing is requested, the order of the AGO is final and may not be appealed to any court or agency. The order of the administrative law judge is the final agency action and may be appealed to superior court.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** After receipt of the complaint and before investigation, a requirement of informal dispute resolution is interposed. If no resolution is reached by informal negotiation, the AGO may open a formal investigation. Unless the formal investigation is opened, no administrative hearing may be requested. In addition to the formal investigation, the AGO may facilitate further negotiations.

The formal investigation authority includes written interrogatories and oral testimony.

If a settlement agreement is signed after the formal investigation, violation of that agreement violates the Act and is subject to fines and other penalties.

If, during a formal investigation, the AGO discovers a potential violation of the Act that affects the health, safety, or welfare of the community and that violation is not the subject of the written complaint, the AGO may investigate and pursue enforcement measures concerning that potential violation.

The AGO must adopt rules to implement this act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.